

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

IN RE MERCEDES-BENZ  
EMISSIONS LITIGATION

Civil Action No. 2:16-CV-881  
(KM)(ESK)

**SUPPLEMENTAL DECLARATION  
OF JENNIFER M. KEOUGH  
REGARDING PROPOSED NOTICE  
PROGRAM**

I, Jennifer M. Keough, declare and state as follows:

**INTRODUCTION**

1. I am Chief Executive Officer of JND Class Action Administration (“JND”). This Supplemental Declaration is based on my personal knowledge, as well as upon information provided to me by experienced JND employees and counsel for the Plaintiffs and Defendants (“Counsel”), and if called upon to do so, I could and would testify competently thereto. This Supplemental Declaration is submitted as a supplement to my prior Declaration Regarding Proposed Notice Program,<sup>1</sup> dated September 13, 2020 (the “Initial Declaration”).

2. After submitting my Initial Declaration, I was advised that Plaintiffs, Robert Bosch GmbH and Robert Bosch LLC (the “Bosch Defendants”) reached a

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<sup>1</sup> Capitalized terms not defined herein have the meanings set forth in my Initial Declaration and/or the Long Form Notice.

settlement (the “Bosch Class Action Settlement”). Accordingly, certain notice documents referenced in my Initial Declaration, specifically the Short Form Notice, the Supplemental Notice<sup>2</sup> and the Long Form Notice, were revised to reflect the addition of the Bosch Class Action Settlement.

3. I have reviewed the updates to each of these notice documents and confirm that they are written in plain language and comply with the requirements of Rule 23 of the Federal Rules of Civil Procedure, as well as the Federal Judicial Center Class Action Notice and Plain Language Guide.

4. JND will send notice of the proposed Bosch Class Action Settlement under CAFA, 28 U.S.C. § 1715(b), no later than 10 days after the proposed Class Action Settlement is filed with the Court. JND will provide such notice to the appropriate state and federal government officials.

5. JND will send the Notice Packet to all Class Members for whom a mailing address is obtained within 15 business days after a federal district court enters the US-CA Consent Decree. JND will also execute all other aspects of the Notice Program set forth in my Initial Declaration using the revised notice documents referenced herein.

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<sup>2</sup> Attached as Exhibit 1 is a true and correct copy of the Supplemental Notice. The Short Form Notice and Long Form Notice are exhibits to the Class Action Settlement Agreement and Release attached as Exhibit A to the Declaration of Steve W. Berman in Support of Motion for Preliminary Approval.

### **CONCLUSION**

6. In JND's opinion, the Notice Program as described herein and in my Initial Declaration provides the best notice practicable under the circumstances, is consistent with the requirements of Rule 23 of the Federal Rules of Civil Procedure and all applicable Court rules, and is consistent with, and exceeds, other similar court-approved best notice practicable notice programs. The Notice Program is designed to reach as many Class Members as possible and provide them with the opportunity to review plain language notices with the ability to easily take the next step to learn more about the Class Action Settlements.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 16, 2020, in Seattle, Washington.



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Jennifer M. Keough

# EXHIBIT 1

**United States District Court for the District of New Jersey**  
*In re Mercedes-Benz Emissions Litigation, 16-cv-881 (KM) (ESK)*

**If You Are a Current Owner or Lessee of a Mercedes-Benz or Sprinter BlueTEC II Diesel Vehicle, You May Be Eligible for a CASH PAYMENT of up to \$3,590 or more from Class Action Settlements**

**An Approved Emission Modification (“AEM”) is Now Available for Installation**

An AEM is available at no charge to you for a Mercedes-Benz or Sprinter diesel vehicle (including both Mercedes-Benz and Freightliner-branded Sprinter diesel vehicles) that you may currently own or lease, as part of Daimler AG’s and Mercedes-Benz USA, LLC’s settlement with federal regulators and the State of California.

AEMs are available now for the Subject Vehicles listed on the enclosed **blue** sheet. You can also check AEM availability at the Settlement Website, **mbbluetecsettlement.com**, where you can type in your VIN or review a list of all Subject Vehicle models that are ready for the AEM installation. You may also call 1-877-313-0170 toll-free to find out whether an AEM is available for your Subject Vehicle.

If you install the AEM, you will also receive an extended warranty. The Consumer Emission Modification Disclosure, which is included with this Notice and is available at **mbbluetecsettlement.com**, contains more details about the AEM and the extended warranty.

Under related Class Action Settlements,<sup>1</sup> **you may be entitled to a cash payment of up to \$3,590 if you get the AEM installed in your vehicle**, or up to **\$2,692.50 if you get the AEM installed in your vehicle** and a former owner or lessee submitted a Valid Claim

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<sup>1</sup> The “Class Action Settlements” are the class settlements with the Mercedes Defendants (the “Mercedes Class Action Settlement”) and with the Bosch Defendants (the “Bosch Class Action Settlement”), copies of which are available at **mbbluetecsettlement.com**. All capitalized terms not defined in this Notice are defined in the Class Action Settlements. You may have previously received a notice of the Class Action Settlements. This is a supplemental notice sent to let you know that an AEM for your vehicle is now available at no charge to you and that you should have the AEM installed and file a claim for a cash payment.

for the same vehicle. You may also be eligible for additional payments described in more detail at **mbbluetecsettlement.com**.

Visit **mbbluetecsettlement.com** or call **1-877-313-0170** for more details about the Class Action Settlements and to register for updates.

## HOW CAN I GET A PAYMENT?

**To claim the cash payment, you must submit a Valid Claim by the deadline in this Notice.**

If you are a current owner or lessee of a registered BlueTEC II diesel vehicle listed on **mbbluetecsettlement.com** or the enclosed **blue** sheet, and have not opted-out from the Class, you may be eligible for a payment after the AEM installation is completed. To receive a payment, submit a Claim Form and all required documents by **October 1, 2022**. Here are the steps to receive a payment:



1. Contact your preferred authorized dealership to schedule an appointment to have the AEM installed. AEMs will be installed at no cost to you. Authorized Mercedes-Benz dealerships can be found at **mbusa.com/en/dealers**. Authorized Freightliner Sprinter dealerships can be found at **freightlinersprinterusa.com/freightliner/shopping-tools/find-a-dealer**.



2. Bring your vehicle to your appointment for the installation of the AEM. **You must complete the AEM installation before you submit a claim.** Make sure to keep your repair order to submit with your claim, as well as receipts for any travel to and from the dealership for the AEM installation. If your appointment takes three hours or more and you are not offered a loaner vehicle, shuttle, or alternative form of transportation, you may be eligible to receive reimbursement up to \$35 for travel expenses.



3. Submit a valid Claim Form and all required documents by **October 1, 2022** at **mbbluetecsettlement.com** or mail (postmarked by October 1, 2022) to:

MB Blue Tec Settlement  
c/o JND Legal Administration  
PO Box 91310  
Seattle, WA 98111

A Claim Form is enclosed with this Notice.